

MAILED TO COUNSEL 5/29

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/29/08
--

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JESUS MORALES,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.
-----X

: 08 CV 3901 (LAP)

: 05 CR 120 (LAP)

: ORDER

LORETTA A. PRESKA, U.S.D.J.

The Court, having examined the petition in this action pursuant to U.S.C. § 2255, and having concluded that the petition should not be summarily dismissed pursuant to Rule 4(b) of the Rules governing habeas petitions in the U.S. District Courts, it is hereby

ORDERED, that pursuant to Rule 4(b), that the United States Attorney for the Southern District of New York file an answer or pleading to the motion no later than June 30, 2008.

The Clerk of the Court is directed to serve by certified mail, return receipt requested, a copy of this Order and underlying petition and supporting documents on the United States Attorney for the Southern District of New York.

SO ORDERED:

Dated: May 29, 2008


LORETTA A. PRESKA, U.S.D.J.